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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE LOPEZ, et al.,

Plaintiffs,

v.

JOHN WETZEL, et al.,

Defendants

:
:
: Honorable Christopher C. Conner
: Honorable MJ Martin Carlson
: (Magistrate Judge Carlson)
:

: Civil No. 3:21-cv-1819

: PLEASE FILE, DOCKET, AND FORWARD TO ALL

: APPROPRIATE PARTIES

PLAINTIFF DAREIN HOUSER CONSOLIDATED RESPONSE TO THE ABOVE
CAPTIONED JUDGES REPORT AND RECOMMENDATION DATED 12/20/ 23 AND
DEFENDANT'S BRIEF IN OPPOSITION TO PLAINTIFF HOUSER'S MOTION TO
COMPEL DISCOVERY AND APPOINTMENT OF COUNSEL

TO THE HONORABLE JUDGES OF SAID COURT:

AND NOW COMES, *Plaintiff Darien Houser*, pro se, Consolidated Response to the above
Captioned Judges Report and Recommendation and *Defendants Brief In Opposition* to Plaintiff
Houser's Motion to Compel Discovery and Appointment of Counsel and represent.

Brief Response to Judges Conner and Carlson, Report and Recommendation

I.

Factual Background and Procedual History Clarification

a) **Plaintiff Response to Defendants Brief In Opposition** Plaintiffs, were not in open
disagreement with one another, it was one Plaintiff, George Lopez, who believed that the case
was his case because the civil Complaint was in his name. Further stating Lopez, improperly
purporting to speak on behalf of the other Plaintiffs, without there consent or agreed upon by
other Plaintiffs.

b) All Plaintiff's have the same issues and claims in common, which are the

unconstitutionally prolonged and severe Isolated solitary confinement by the Department of Corrections/Defendants, in which Plaintiff and Plaintiffs, suffered severe mental, emotional, physical and psychological trauma and injuries. Conditions that were forced upon Plaintiff and Plaintiff's without due process or avenues of relief for decades. The fact that the aforementioned confinements occurred at different places, does not lesson the trauma and injuries that were forced upon Plaintiff, Plaintiff's in this case, and in the Eastern District for decades.

c) Plaintiff Darien Houser, has never received a copy of Mr. Lopez's response that decries the lack of assistance and cooperation from his Co-Plaintiff's, (doc.170). This Court continues to provide documents that do not identify the case nimber, filing date, and docket number. Plaintiff Lopez, reporting what the Defendants intend to file is worriesome and comes with great concern because Plaintiff questions if there are exparte communication among Defendants counsel and Mr. Lopez, he has a history of such behavior with authorities for personal gain.

Plaintiff's Respns To Discussion

d) In all actuality, this court has made a decision that will effect Plaintiff Houser's continued litigation, due to him being unlettered and lacks litigation skills. This court has given Mr. Lopez, exactly what he wanted instead of allowing him to remove himself from the case, and allow the five Plaintiff's to move forward together as consolidated Plaintiffs. ***"PLAINTIFF WILL NOT FOLD WITHOUT A FIGHT TO THE BEST OF HIS ABILITY AND KNOWLEDGE."***

Plaintiff Response to Defendant's Brief In Opposition to Houser's Motion to Compel Discovery and Appointment of Counsel

II.

e) Plaintiff's Original Motion was entitled "Motion to Compel Discovery and Appointment of Counsel. Defendants, decided in thier brief in opposition, to leave out Plaintiff's request for

appointment of Counsel, in the caption of their opposition brief, and was not properly objected to or opposed in thier brief.

f) Plaintiff Houser is aware, that he previous requested discovery in the past, but Plaintiff never requested defendants to produce discovery in 30 days, as noted in the opposition brief. Furthermore, to the best of Plaintiff's memeory, he never requested grievances or grievances alone from the Defendants. The discovery documents produced by the Defendants (grievances) are not essential evidence or of evedentiary value to this case, because Plaintiff claimed in his copmplaint that the Defendants stated during PRC hearings that there were no forms of relief for mental health problems and the isolated solitary confinement that was forced upon him. Medical records and Psychiatric records are of evidentiary value and will be used by Defendants during summary judgement, trial, and were asked about during the deposing of Plaintiff, by the Defendants. Plaintiff have request psychiatric and medical records in the past, and was denied.. So Plaintiff's request for the Court to Compel Defendants to produce the requested discovery is appropriate at this time. Plaintiff, reiterates once again, that Defendants may object to turning over psychiatirc and medical records, and if so, Counsel must be provided.

Plaintiff's Response to Defendant's Argument

III.

g) Defendants state that on February 8, 2022, on behalf of six Plaintiffs, *he requested "any and all medical and psychiatric records"* in one breath, and then turn around and state despite discovery being ongoing since February of 2023, "PLAINTIFF HAS NOT MADE ANY SPECIFIC REQUEST TO DEFENDANTS FOR DISCOVERY, YET HE FILES THIS MOTION TO COMPEL." ("which one is it ?") Plaintiff, further states, if the requested documents are available; then why haven't Defendants provided the requested documents to Plaintiff, the same way they sent

the grievances, by way of U.S. mail? Plaintiff disagree that said records medical and psychiatric records are available by a more convenient source. The medical department here at SCI-Phoenix, is problematic for many prisoners such as Plaintiff Houser, and could lead to a disciplinary misconduct for him. Many medical staff are very very disrespectful, and Plaintiff's alternative to violence and being disrespected is to stay away from being inside of the medical department as much as possible.

Plaintiff, is not a medical professional, and he will need adequate time to review and define words and symbols contained within the records, despite the fact that the medical department will not provide the required time that is appropriate for a proper and meaningful review. "IF THE MEDICAL DEPARTMENT IS WILLING TO ALLOW ME TO TAKE MY MEDICAL AND PSYCHIATRIC FILES TO MY CELL FOR REVIEW UNTIL I AM FINISHED REVIEWING THEM, THEN I WILL ACCEPT THEM FROM MEDICAL WITHOUT A TIME RESTRICTION."

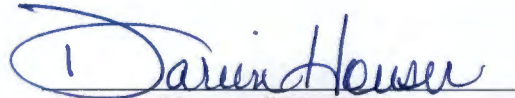
As far as what happen with the March 13, 2023 order, and the December 2022 motion to compel medical and psychiatric records are now mute, because this case has been severed by this court. As to Plaintiff making copies of said documents himself, he cannot afford his medical and psychiatric records, due to the 35% of all incoming money is taken out of his fund/gifts sent by family and friends. It seems that Defendants are attempting to deter Plaintiff from requesting his medical and psychiatric records and create a hardship upon Plaintiff, Darien Houser, by wanting to charge him for said records, records that are in the Defendants possession. Defendants were willing to provide grievances that Plaintiff did not request and are of no evidentiary value to this case, but refuse to provide medical and psychiatric records without paying for them. Plaintiff has proceeded this case in forma pauper and is unable to pay or should have to pay for documents that are in the possession of the defendants and may be used by the Defendants during post trial and trial proceedings

WHEREFORE, for the foregoing reasons, Plaintiff respectfully request that this court compel

Defendants to produce the requested discovery and appoint counsel for Mr. Houser

I, Darien Houser, declare that the contents of this document are true and correct to the best of my remembrance and belief pursuant to 28 U.S.C. § 1746 and 18 Pa. § 4904 under the laws of penalty of perjury.

Respectfully and Sincerely Submitted,

A handwritten signature in blue ink that reads "Darien Houser". The signature is written in a cursive style with a large, stylized "D" at the beginning.

Darien Houser #GL-7509
SCI-PHOENIX
1200 Mokychic Drive
Collegeville, Pa. 19426

Date: 1/8/2024

cc: File Copy

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SCI-Phoenix

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